

Provisional Election with Traverse:

Applicants provisionally elect, with traverse, the species depicted by Fig. 6.

A listing of claims readable thereon is: 1-7, 9-17, 19 and 20.

REMARKS/ARGUMENTS

Claims 1-20 are pending.

In the Office Action mailed December 17, 2004, the Examiner subjected claims 1-20 to a restriction and/or election requirement. In particular, the Examiner indicated that the application contains claims directed to the following patentably distinct species of the claimed invention:

- A) The species depicted by Fig. 1;
- B) The species depicted by Fig. 2;
- C) The species depicted by Fig. 3;
- D) The species depicted by Fig. 5; and
- E) The species depicted by Fig. 6.

The Examiner further indicated that claims 1 and 11 are generic.

Applicants have provisionally elected, with traverse, the species depicted by Fig. 6.

Applicants request reconsideration and modification of the restriction requirement. In particular, Applicant contends that the restriction requirement should be modified in the following respects:

1. The embodiments depicted in Figs. 1, 2, 3 and 6 should be considered one species, which has been elected by Applicants, and to which a listing of claims readable thereon is: 1-7, 9-17, 19 and 20.

2. Claims 1, 2, 5, 9, 10-12, 15, 19 and 20 should be considered generic.

Applicants request for reconsideration and modification is supported by the following considerations:

The Embodiments Depicted By Figs. 1, 2, 3 and 6 Are Not Distinct Species Since Those Embodiments Read on Sets of Claims That Are Not Mutually Exclusive

M.P.E.P. 806.04(f) reads as follows:

Claims to be restricted to different species must be mutually exclusive.

The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first. This is frequently expressed by saying that claims to be restricted to different species, must recite the mutually exclusive characteristics of such species.

The embodiments depicted in Figs. 1, 2, 3 and 6 are readable on sets of claims that are not mutually exclusive. Therefore, it is improper to designate these embodiments as distinct species.

In particular, the embodiments depicted in Figs. 1, 2, 3 and 6 are all readable on claims 1, 2, 5, 7, 9-12, 15, 17, 19 and 20. The embodiments depicted in Figs. 1, 2 and 6 are also readable on claims 3, 4, 13 and 14, whereas the embodiments depicted in Figs. 2, 3 and 6 are also readable on claims 6 and 16. However, the uncommon claims 3, 4, 6,

13, 14 and 16 are not mutually exclusive with the common claims 1, 2, 5, 7, 9-12, 15, 17, 19 and 20. Therefore, designation of the embodiments depicted in Figs. 1, 2, 3 and 6 as distinct species is improper. Indeed, the embodiments depicted in Figs. 2 and 6 read on an *identical* set of claims; therefore, designation of these embodiments as distinct species is manifestly improper.

The Examiner indicates that claims 1 and 11 are generic, and therefore acknowledges that the embodiments depicted in Figs. 1, 2, 3 and 6 are all readable on claims 1 and 11.

With regard to claims 2 and 12, Fig. 1 shows an optical beam (A, B) that is a portion of an input optical beam (100) upon which a compensator (10) has induced multiple units of group delay and re-combined into an output optical beam (190). Fig. 2 also shows an optical beam (C, D) that is a portion of an input optical beam (200) upon which a compensator (20) has induced multiple units of group delay and re-combined into an output optical beam (290). Fig. 3 also shows an optical beam (i.e. directed toward GTE 330, 360) that is a portion of an input optical beam (300) upon which a compensator (30) has induced multiple units of group delay and re-combined into an output optical beam (370). Fig. 6 also shows an optical beam (G, H) that is a portion of an input optical beam (600) upon which a compensator (60) has induced multiple units of group delay and re-combined into an output optical beam (680). All four embodiments thus read on claims 2 and 12.

With regard to claims 3 and 13, Fig. 1 shows one or more ninety degree mirrors (150, 160) that assist inducement of a path change on an optical beam (A, B) by a beam director (210). Fig. 2 also shows one or more ninety degree mirrors (220, 250, 260) that assist inducement of a path change on an optical beam (C, D) by a beam director (210). Fig. 6 also shows one or more ninety degree mirrors (660, 670) that assist inducement of a path change on an optical beam (G, H) by a beam director (610). Fig. 3 does not

show one or more ninety degree mirrors that assist inducement of a path change on an optical beam by a beam director. However, these claims are not mutually exclusive with any claim onto which the embodiment of Fig. 3 is readable, and therefore cannot provoke a designation of Fig. 3 as a distinct species from Figs. 1, 2 and 6.

With regard to claims 4 and 14, Fig. 1 shows one or more ninety degree mirrors (150, 160) that assist redirection an optical beam (A, B) to a beam delay element (140). Fig. 2 also shows one or more ninety degree mirrors (220, 250, 260) that assist redirection an optical beam (C, D) to a beam delay element (240, 245). Fig. 6 also shows one or more ninety degree mirrors (660, 670) that assist redirection of an optical beam (G, H) to a beam delay element (630, 650). Fig. 3 does not show one or more ninety degree mirrors that assist redirection of an optical beam to a beam delay element. However, these claims are not mutually exclusive with any claim onto which the embodiment of Fig. 3 is readable, and therefore cannot provoke a designation of Fig. 3 as a distinct species from Figs. 1, 2 and 6.

With regard to claims 5 and 15, Fig. 1 shows a beam delay element comprising a Gires-Tournois etalon (140). Fig. 2 also shows a beam delay element comprising a Gires-Tournois etalon (240, 245). Fig. 3 also shows a beam delay element comprising a Gires-Tournois etalon (330, 360). Fig. 6 also shows a beam delay element comprising a Gires-Tournois etalon (630, 650). All four embodiments thus read on claims 5 and 15.

With regard to claims 6 and 16, Fig. 2 shows a beam delay element comprising a plurality of Gires-Tournois etalons (240, 245). Fig. 3 also shows a beam delay element comprising a plurality of Gires-Tournois etalons (330, 360). Fig. 6 also shows a beam delay element comprising a plurality of Gires-Tournois etalons (630, 650). Fig. 1 does not show a beam delay element comprising a plurality of Gires-Tournois etalons. However, these claims are not mutually exclusive with any claim onto which the

embodiment of Fig. 1 is readable, and therefore cannot provoke a designation of Fig. 1 as a distinct species from Figs. 2, 3 and 6.

With regard to claims 7 and 17, Fig. 1 shows a beam director comprising a polarizing beam splitter (110). Fig. 2 also shows a beam director comprising a polarizing beam splitter (210). Fig. 3 also shows a beam director comprising a polarizing beam splitter (310). Fig. 6 also shows a beam director comprising a polarizing beam splitter (610). All four embodiments thus read on claims 7 and 17.

With regard to claims 9 and 19, Fig. 1 shows a polarization changer comprising a quarter-wave plate (130). Fig. 2 also shows a polarization changer comprising a quarter-wave plate (230). Fig. 3 also shows a polarization change comprising a quarter-wave plate (320, 350). Fig. 6 also shows a polarization change comprising a quarter-wave plate (620, 640). All four embodiments thus read on claims 9 and 19.

With regard to claims 10 and 20, Fig. 1 shows an optical beam (A, B) incident to a beam delay element (140) at a substantially normal angle. Fig. 2 also shows an optical beam (C, D) incident to a beam delay element (240, 245) at a substantially normal angle. Fig. 3 also shows an optical beam (i.e. directed toward GTE 330, 360) incident to a beam delay element (330, 360) at a substantially normal angle. Fig. 6 also shows an optical beam (G, H) incident to a beam delay element (630, 650) at a substantially normal angle. All four embodiments thus read on claims 10 and 20.

Accordingly, the Examiner's restriction requirement should be modified to treat the embodiments depicted in Figs. 1, 2, 3 and 6 as a common species.

Claims 1, 2, 5, 9, 10-12, 15, 19 and 20 Are Generic

The Examiner acknowledges that claims 1 and 11 are generic.

In addition to claims 1 and 11, claims 2, 5, 9, 10, 12, 15, 19 and 20 are generic.

With regard to claims 2 and 12, Fig. 1 shows an optical beam (A, B) that is a portion of an input optical beam (100) upon which a compensator (10) has induced multiple units of group delay and re-combined into an output optical beam (190). Fig. 2 also shows an optical beam (C, D) that is a portion of an input optical beam (200) upon which a compensator (20) has induced multiple units of group delay and re-combined into an output optical beam (290). Fig. 3 also shows an optical beam (i.e. directed toward GTE 330, 360) that is a portion of an input optical beam (300) upon which a compensator (30) has induced multiple units of group delay and re-combined into an output optical beam (370). Fig. 5 also shows an optical beam (E, F) that is a portion of an input optical beam (500) upon which a compensator (50) has induced multiple units of group delay and re-combined into an output optical beam (590). Fig. 6 also shows an optical beam (G, H) that is a portion of an input optical beam (600) upon which a compensator (60) has induced multiple units of group delay and re-combined into an output optical beam (680). Claims 2 and 12 are therefore generic.

With regard to claims 5 and 15, Fig. 1 shows a beam delay element comprising a Gires-Tournois etalon (140). Fig. 2 also shows a beam delay element comprising a Gires-Tournois etalon (240, 245). Fig. 3 also shows a beam delay element comprising a Gires-Tournois etalon (330, 360). Fig. 5 also shows a beam delay element comprising a Gires-Tournois etalon (540, 550, 560). Fig. 6 also shows a beam delay element comprising a Gires-Tournois etalon (630, 650). Claims 5 and 15 are therefore generic.

With regard to claims 9 and 19, Fig. 1 shows a polarization changer comprising a quarter-wave plate (130). Fig. 2 also shows a polarization changer comprising a quarter-wave plate (230). Fig. 3 also shows a polarization changer comprising a quarter-wave plate (320, 350). Fig. 5 also shows a polarization changer comprising a quarter-wave

plate (510, 530). Fig. 6 also shows a polarization change comprising a quarter-wave plate (620, 640). Claims 9 and 19 are therefore generic.

With regard to claims 10 and 20, Fig. 1 shows an optical beam (A, B) incident to a beam delay element (140) at a substantially normal angle. Fig. 2 also shows an optical beam (C, D) incident to a beam delay element (240, 245) at a substantially normal angle. Fig. 3 also shows an optical beam (i.e. directed toward GTE 330, 360) incident to a beam delay element (330, 360) at a substantially normal angle. Fig. 5 also shows an optical beam (E, F) incident to a beam delay element (540, 550, 560) at a substantially normal angle. Fig. 6 also shows an optical beam (G, H) incident to a beam delay element (630, 650) at a substantially normal angle. Claims 10 and 20 are therefore generic.

Accordingly, the Examiner's restriction requirement should be further modified to reflect that claims 1, 2, 5, 9, 10-12, 15, 19 and 20 are generic.

In view of the above arguments and remarks, reconsideration and modification of the restriction requirement and favorable action on all claims are respectfully requested. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

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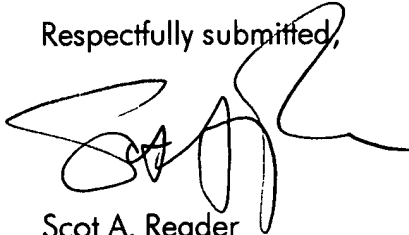
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Reply to Office action mailed December 17, 2004

Should any question remain as to allowability in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Scot A. Reader', written over the closing text.

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